

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

INTERCONTINENTAL TERMINALS	§	
CORPORATION, LLC	§	
Plaintiff,	§	
	§	
v.	§	C.A. NO. 4:18-cv-3113
	§	RULE 9(h) - ADMIRALTY
AFRAMAX RIVER MARINE CO.,	§	
EXECUTIVE SHIP MANAGEMENT PTE	§	
LTD., M/T AFRAMAX RIVER	§	
Defendants / Third-Party Plaintiffs,	§	
	§	
v.	§	
	§	
SUDERMAN & YOUNG TOWING	§	
COMPANY, G&H TOWING COMPANY	§	
And SEABULK TOWING SERVICES,	§	
INC.	§	
Third-Party Defendants.	§	

REVISED JOINT TRIAL WORKSHEET

To make efficient use of trial time, each party is to provide the following information:

OPENING

Minutes Requested by Plaintiff:	10 Minutes
Minutes Requested by Defendant:	10 Minutes

EVIDENCE

In the order that they will be called, list the witnesses to be called, the general subject matter to be covered with that witness, and the amount of time expected for direct and cross examination.

Witnesses who will be called by written or recorded deposition should be included in this section.

THIRD-PARTY PLAINTIFF AFRAMAX INTERESTS' WITNESSES

Witness Name:	Master Arvind Kumar		
Subject Matter:	Mr. Kumar was the master onboard the AFRAMAX RIVER at the time of the allision. The general subject matter to be covered with Mr. Kumar is the occurrence of the allision of September 6, 2016, and the Vessel's speed and movements.		
Time for Direct:	2.5 hours	Time for Cross:	2 hours

Witness Name:	G&H Towing Company Vice President Steven J. Huttman		
Subject Matter:	<p>Mr. Huttman was Senior Vice President of G&H Towing Company at the time of the allision. Aframax Interests have subpoenaed Mr. Huttman to trial and anticipate questioning him as a "hostile" witness. The general subject matter to be covered with Mr. Huttman will be the mechanical issues onboard the GASPARILLA and JESS NEWTON, his communications with, and reporting to, the USCG, his involvement in the investigation, and policies and procedures in place at the time of the allision, etc.</p> <p>Capt. Huttman was serving as the Vice-President of Operations for G&H Towing Company at the time of the incident, and (as a former Master of the JESS NEWTON and Master of other tugs in the same fleet as GASPARILLA) was familiar with the operational status of both the GASPARILLA and JESS NEWTON during that timeframe. He is expected to testify on the operational status of each Tug's equipment and winches, and the use of "conventional" towing arrangements for assist-operations such as the one at issue. He is also expected to testify on his recollections in liaising with each Tug's crew and various governmental authorities following the incident.</p> <p>In the interest of saving time, Tug Interests request to conduct their examination of Capt. Huttman directly after ARM's examination of Capt. Huttman, after which ARM will have an opportunity to re-examine Capt. Huttman.</p>		
Time for Direct:	1 – 1.5 hours (ARM) 0.75 hours (Tug Interests)	Time for Cross:	

Witness Name:
Subject Matter:

JESS NEWTON Chief Engineer Stanley “Trey” Reiman III

ARM Interests’ Description: Mr. Reiman was the chief engineer onboard the JESS NEWTON at the time of the incident and was involved in making repairs to the JESS NEWTON after the mechanical breakdown of her towing winch. Aframax Interests have subpoenaed Mr. Reiman to trial and anticipate questioning him as a “hostile” witness. The general subject matter to be covered with Mr. Reiman will be the mechanical failure of the JESS NEWTON’s towing winch, his reporting of same, and the logs and/or records he kept onboard the JESS NEWTON.

Tug Interests’ Description: Chief Engineer Reiman is expected to testify regarding his observation of the incident, and his general experience concerning the operational status of the tug’s hawser winch and other systems before, during and after the incident. He is also expected to testify regarding his preparation of a post-incident Sept. 6, 2016 G&H Towing Company “Company Operational / Incident Report Form” (Tug Ex. 210) regarding a mechanical failure that occurred within the tug’s winch hydraulic system after the AFRAMAX RIVER allision and ensuing explosion / fire.

In the interest of saving time, Tug Interests request to conduct their examination of Chief Engineer Reiman directly after ARM’s examination of Chief Engineer Reiman, after which ARM will have an opportunity to re-examine Chief Engineer Reiman.

Time for Direct:

1-1.5 hours (ARM)
 1 hour (Tug Interests)

Time for Cross:

Witness Name:
Subject Matter:

Michali Chourdakis

Mr. Chourdakis is an expert witness designated by Aframax Interests with expertise on tugs, tug operations, tug handling, ship handling and salvage. The general subject matter to be covered with Mr. Chourdakis is his opinions regarding the actions/inactions of the tugboats, the positioning of the JESS NEWTON, and the mechanical issues onboard the tugboats.

Time for Direct:

2.5 hours

Time for Cross:

1.5 hours

Witness Name:	Capt. Douglas Torborg (TBD if live or by deposition)		
Subject Matter:	Capt. Torborg is an expert witness designated by Aframax Interests with expertise on navigation and ship handling. The general subject matter to be covered with Capt. Torborg is his opinions regarding the Rules of the Road, the actions/inactions of the JESS NEWTON, Mate Arduengo failing to follow the pilot's orders, and the positioning of the JESS NEWTON.		
Time for Direct:	2 hours	Time for Cross:	1 hour

Witness Name:	Santosh Kumar Roy (trial deposition)		
Subject Matter:	Mr. Roy was the cadet onboard the AFRAMAX RIVER at the time of the allision. The general subject matter of Mr. Roy's testimony is the occurrence of the allision of September 6, 2016, and his recollection of same. Tug Interests had a chance to cross-examine Mr. Roy. His deposition lasted approximately forty-five (45) minutes in total.		
Time for Direct:	NA	Time for Cross:	NA

Witness Name:	Amit Dadwal (trial deposition)		
Subject Matter:	Mr. Dadwal was the second officer onboard the AFRAMAX RIVER at the time of the allision. The general subject matter of Mr. Dadwal's testimony is the occurrence of the allision of September 6, 2016, and his recollection of same. Tug Interests had a chance to cross-examine Mr. Dadwal. His deposition lasted approximately forty-five (45) minutes in total.		
Time for Direct:	NA	Time for Cross:	NA

Witness Name:	Dionysios Mitsotakis (trial deposition)		
Subject Matter:	Mr. Mitsotakis is a fact witness and corporate representative of Aframax River Marine Co. on its loss of earnings damages. The general subject matter of Mr. Mitsotakis' testimony is the Vessel's loss of pool earnings, loss of employment, loss of hire and loss of profit damages. Tug Interests had a chance to cross-examine Professor Spyrou. His deposition lasted approximately two (2) hours in total.		

Time for Direct:

NA

Time for Cross:

NA

Witness Name:

Professor Kostas J. Spyrou (trial deposition)

Subject Matter:

Professor Spyrou is an expert witness designated by Aframax Interests with expertise on hydrodynamics. The general subject matter to be covered with Professor Spyrou is his opinions regarding there being no involvement of the tugboats in turning the Vessel, and the positioning of the JESS NEWTON and the effect this had on the Vessel's turning moment. Tug Interests had a chance to cross-examine Professor Spyrou. His deposition lasted approximately five (5) hours in total.

Time for Direct:

NA

Time for Cross:

NA

Witness Name:

Capt. Vijay Cherukuri (trial deposition)

Subject Matter:

Capt. Cherukuri is a corporate representative of ESM on the "accident investigation" and a fact witness. He is in charge of Health, Safety, Environment and Quality Assurance ("HSEQA") of ESM. The general subject matter of Capt. Cherukuri's testimony is ESM's investigation of the incident, his personal involvement in the ESM investigation and drafting of the accident investigation report under the ISM Code, the ESM accident investigation report, and ESM's subjective beliefs and opinions regarding the tug's involvement in the allision. Tug Interests had a chance to cross-examine Capt. Cherukuri. His deposition lasted approximately four (4) hours in total.

Time for Direct:

NA

Time for Cross:

NA

THIRD-PARTY DEFENDANT TUG INTERESTS' WITNESSES

Witness Name:	AFRAMAX Chief Engineer Muzzafer Ali (Deposition)
Subject Matter:	Chief Engineer Ali's deposition testimony pertains to his appreciation of the events that occurred before and during the departure evolution within the AFRAMAX RIVER's engine room leading up to the allision, that Vessel's engine room systems, and the actions / inactions of the crew aboard the AFRAMAX RIVER. His deposition lasted two (2) hours in total.
Witness Name:	ESM Corporate Representative Vijay Cherukuri ((30)(b)(6) Deposition)
Subject Matter:	Capt. Cherukuri was deposed as a corporate representative of ARM. In accordance with Fed. R. Civ. P. 30(a)(3), Tug Interests may introduce Capt. Cherukuri's testimony pertaining to ARM's corporate policies on the safe navigation of the Vessel, the responsibilities of the Vessel's crew during departures such as the one at issue, the Vessel's Governor-Actuator, ARM's investigation of the incident and preparation of the ARM Incident Report, among other things. His deposition lasted two (2) hours in total.
Witness Name:	ESM Corporate Representative Raghunathan Srinivasan (30)(b)(6) Deposition)
Subject Matter:	Capt. Srinivasan was deposed as a corporate representative of ARM. In accordance with Fed. R. Civ. P. 30(a)(3), Tug Interests may introduce Capt. Srinivasan's testimony pertaining to ARM's maintenance protocols for the Vessel, its investigation into the incident, and its post-incident destruction of the Vessel's Governor-Actuator components, among other things. His deposition lasted 0.75 hours in total.
Witness Name:	Houston Pilot Michael McGee (Live, via Zoom Videoconference Link)
Subject Matter:	Lead Pilot McGee is expected to testify regarding his appreciation of the incident, the events that occurred before and during the departure evolution leading up to the allision, the positions of the GASPARILLA and JESS NEWTON in relation to the AFRAMAX, the events that occurred after the allision, the actions / inactions of the crew aboard the AFRAMAX RIVER,

and his communications with the GASPARILLA and JESS NEWTON during the incident. Pilot McGee has availability issues the week of September 19, 2022.

Time for Direct: 2 hours **Time for Cross:** 1 – 1.5 hour

Witness Name: GASPARILLA Captain Douglas Scott (Deposition)

Subject Matter: Capt. Scott is expected to testify regarding his observation of the incident, his communications with the AFRAMAX RIVER's Pilot prior to the incident, his recollection of the tug's position relative to the AFRAMAX RIVER during the incident, and his general experience in operating the GASPARILLA and positioning the tug during tug-assist operations. His deposition lasted one (1) hour in total.

Witness Name: JESS NEWTON Captain Steve Curry (Live)

Subject Matter: Capt. Curry is expected to testify regarding his observation of the incident, his communications with the AFRAMAX RIVER's Pilot prior to the incident, his recollection of the tug's position relative to the AFRAMAX RIVER during the incident, his general experience in operating the JESS NEWTON and positioning the tug during tug-assist operations, his recollections regarding the operational status of the tug's hawser winch before, during and after the incident, and his general experience in using the tug's winch for vessel-assist activities.

Time for Direct: 1.5 hours **Time for Cross:** .75 hours

Witness Name: JESS NEWTON Mate Charles Arduengo (Live)

Subject Matter: Mate Arduengo is expected to testify regarding his observation of the incident while operating the JESS NEWTON, his communications with the AFRAMAX RIVER's Pilot during the incident, his recollection of the tug's position relative to the AFRAMAX RIVER during the incident, his general experience in operating the JESS NEWTON and positioning the tug during tug-assist operations, his recollections regarding the operational status of the tug's hawser winch before, during and after the incident, and his general experience in using the tug's winch for vessel-assist activities.

Time for Direct: 2 hours **Time for Cross:** 1 – 1.5 hour

Witness Name:	G&H Navigational Expert Gregg Nichols (Live)		
Subject Matter:	Capt. Nichols is expected to testify on the ship-handling practices that pertained to the departure evolution in question, the duties of the JESS NEWTON and GASPARILLA with respect to obeying the orders of the pilots aboard the AFRAMAX RIVER, and the principles pertaining to the safe navigation of the vessels under the facts at issue.		
Time for Direct:	1.5 hours	Time for Cross:	1 – 1.5 hour

Witness Name:	G&H Hydrodynamic Expert Charles Munsch (Live)		
Subject Matter:	Prof. Munsch is expected to testify on the hydrodynamic forces that were generated during the incident, the impact of those forces aboard the vessels, and the reduced maneuvering capability of the JESS NEWTON and GASPARILLA as a result of the AFRAMAX RIVER's over-speeding engine.		
Time for Direct:	2 hours	Time for Cross:	1 – 1.5 hour

Witness Name:	Houston Pilot Michael Phillips (Live)		
Subject Matter:	Second Pilot Phillips is expected to testify regarding his appreciation of the incident, the events that occurred before and during the departure evolution leading up to the allision, the positions of the GASPARILLA and JESS NEWTON in relation to the AFRAMAX, the events that occurred after the allision, and the actions / inactions of the crew aboard the AFRAMAX RIVER.		
Time for Direct:	1 hour	Time for Cross:	.75 – 1 hour

CLOSING

Minutes Requested by Plaintiff: 15 Minutes
Minutes Requested by Defendant 15 Minutes

Provide any additional informational information that may impact the amount of time needed for trial of this case:

Due to Aframax Interests' expert witness, Capt. Doug Torborg, experiencing health issues, his testimony may need to be taken out of order in this case, if his health improves and he is able to testify live via Zoom or in person. Otherwise, his testimony will be entered via deposition. The Court has ordered that Capt. Torborg may be examined out of order. _____

Total Number of Hours and Minutes Estimated for Trial:

By Plaintiff: Approximately 23 hours including deposition testimony.
 Approximately 14 hours for live witness testimony not
including deposition testimony.

By Defendant: Approximately 21 hours including deposition testimony.
 Approximately 15 hours for live witness testimony not
including deposition testimony.

Date filed: February 2, 2023

GAITAS & CHALOS, P.C.

/s/Jonathan M. Chalos

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- And -

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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2023, a copy of the foregoing was served on all counsel
and/or parties of record through the Court's cm/ecf system.

/s/Jonathan M. Chalos

Jonathan M. Chalos